

ENTERED

January 09, 2023

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Cori Alexandra Scherer; and)
All Others Similarly Situated)
Plaintiffs,) Civil Action
v.) File No. 4:21-cv-00449
BOK Financial Corporation, and)
BOKF, N.A. d/b/a Bank of Texas)
Defendants.)

**ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR APPROVAL OF
RELEASE AND SETTLEMENT OF CLAIMS UNDER THE FAIR LABOR STANDARDS
ACT AND DISMISSAL OF THIS LITIGATION**

On January 8, 2023, Plaintiff moved this Court to approve the parties' Release and Settlement Agreement and the Joint Stipulation of Dismissal with Prejudice of all claims, including in particular, claims under the Fair Labor Standards Act, 29 U.S.C. § 216(b).

The parties represent that the settlement and the terms of the Release and Settlement Agreement are a fair and reasonable compromise of *bona fide* disputes under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* The parties further represent that the Settlement Agreement disposes of all claims pending in this case.

To approve an FLSA settlement, the Court must find that the litigation involves a *bona fide* dispute and the proposed settlement is fair and equitable to all parties concerned. *Barrentine v. Arkansas-Best Freight Sys., Inc.*, 450 U.S. 728, 740 (1981). See *Shockley v. Huhtamaki, Inc.*, 2012 WL 3562136 at *1 (D. Kan. Aug. 17, 2012) (citing, e.g., *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353, 1354 (11th Cir. 1982)). See *id.* at 1354.

Having reviewed the terms of the Release and Settlement Agreement, the Court makes the following findings:

1. the terms and conditions of the Release and Settlement Agreement in this action reflect a fair and reasonable compromise of *bona fide* disputes over claims arising under the FLSA;
2. the claims that could and/or should have been brought in this litigation are hereby released; and,
3. the Court shall retain jurisdiction over the case for the purpose of enforcing the Release and Settlement Agreement.

IT IS ORDERED that Plaintiff's Unopposed Motion for Approval of Settlement and Release of Claims Under the Fair Labor Standards Act and Dismissal of This Litigation with Prejudice is GRANTED.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction over this action for the reasons set forth in this Order.

Signed at Houston, Texas, this 9th day of January, 2023.



Andrew S. Hanen
UNITED STATES DISTRICT JUDGE

Approved as to Form, Subject to Court Approval of the Release and Settlement Agreement, and its attached Stipulation of Dismissal of the Litigation by Plaintiff, for herself and on behalf of those allegedly similarly situated.

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